

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FAIRFIELD SENTRY LIMITED (IN
LIQUIDATION), acting by and through the Foreign
Representative thereof, and KENNETH KRYS,
solely in his capacity as Foreign Representative and
Liquidator thereof,

Plaintiffs-Appellants,

-against-

CITIBANK NA LONDON,

Defendant-Appellee.

Civil No. 19-cv-03911 (VSB)

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This document applies to the Appeals listed on
Exhibit A hereto.

~~PROPOSED~~ ORDER

Under Rule 42 of the Federal Rules of Civil Procedure, district courts may consolidate actions that “involve a common question of law or fact.” Fed. R. Civ. P. 42(a); *see also* Fed. R. Bankr. P. 8003(b)(2) (permitting the district court to “join or consolidate [bankruptcy] appeals”). District courts have “broad discretion to consolidate actions under Rule 42(a).” *Stone v. Agnico-Eagle Mines Ltd.*, 280 F.R.D. 142, 143 (S.D.N.Y. 2012) (citing *Devlin v. Transp. Commc’ns Int’l Union*, 175 F.3d 121, 130 (2d Cir. 1999)). Because related appeals are currently consolidated before this Court, and because I find that the cases involve common questions of law and fact and that consolidation would be in the interest of judicial economy I grant the Defendants-Appellants’ motion to consolidate.

It is **HEREBY ORDERED** that:

A. The 18 actions listed in Exhibit A (attached hereto) are consolidated with and into Case No. 19-CV-3911;

B. All future motions and other filings shall use Case No. 19-CV-3911 and the caption listed in this Order; and

The Clerk of the Court is respectfully directed to consolidate cases listed in Exhibit A with and into Case No. 19-CV-3911.

SO ORDERED.


Vernon S. Broderick 5/10/2021
United States District Judge

Appendix A Defendants-Appellants¹

	Case No. (Bankr. S.D.N.Y.)	Case Name	Prior Pending Consolidated Appeal No.²	Appellate Docket No.
1.	Adv. Pro. 10-3622	<i>Fairfield Sentry Ltd. (In Liquidation), et al. v. Citibank NA London, et al.</i>	19-cv-3911	21-cv-3530
2.	Adv. Pro. 10-3626	<i>Fairfield Sentry Ltd. (In Liquidation), et al. v. BGL BNP Paribas S.A., et al.</i>	N/A ³	21-cv-3538
3.	Adv. Pro. 10-3627	<i>Fairfield Sentry Ltd. (In Liquidation), et al. v. BNP Paribas Securities Services Luxembourg, et al.</i>	N/A	21-cv-3544
4.	Adv. Pro. 10-3630	<i>Fairfield Sentry Ltd. (In Liquidation), et al. v. HSBC Securities Services (Luxembourg) SA, et al.</i>	19-cv-4860	21-cv-3550
5.	Adv. Pro. 10-3633	<i>Fairfield Sentry Ltd. (In Liquidation), et al. v. HSBC Private Bank Suisse SA, et al.</i>	19-cv-4861	21-cv-3563
6.	Adv. Pro. 10-3634	<i>Fairfield Sentry Ltd. (In Liquidation), et al. v. Zurich Capital Markets Company, et al.</i>	19-cv-5135	TBD
7.	Adv. Pro. 10-3635	<i>Fairfield Sentry Ltd. (In Liquidation), et al. v. ABN AMRO Schweiz AG, et al.</i>	19-cv-4964	TBD
8.	Adv. Pro. 10-3636	<i>Fairfield Sentry Ltd. (In Liquidation), et al. v. ABN AMRO Schweiz AG, et al.</i>	19-cv-4888	TBD
9.	Adv. Pro. 10-3780	<i>Fairfield Sentry Ltd. (In Liquidation), et al. v. UBS AG New York, et al.</i>	19-cv-4869	21-cv-3576

¹ The names of Defendants included in this Appendix reflect parties named as Defendants by the Liquidators in the relevant complaints (or to the extent there has been an update to the docket in a particular Action changing the name of a defendant, the updated defendant name) (the “As-Named Defendants”). The inclusion of the As-Named Defendants in this Appendix is not and shall not be construed as an acknowledgement that any such As-Named Defendants are cognizable legal entities or as a waiver of any substantive or procedural rights and remedies by any such As-Named Defendants, all of which are hereby expressly reserved.

² Listed in this column for the Court’s convenience are the S.D.N.Y. docket numbers assigned to the Liquidators’ Pending Consolidated Appeals that correspond to the bankruptcy court cases from which the newly filed interlocutory appeal motions are taken.

³ Two cases involving five Defendants have their prior pending S.D.N.Y. appeal numbers listed as “N/A” because those parties stipulated to orders binding them to this Court’s ruling on the 2019 appeals. *See, e.g.*, Stipulated Order ¶¶ IV.C-D, *Fairfield Sentry Ltd. v. BNP Paribas Secs. Servs. Lux.*, Adv. Pro. No. 10-3627 (Bankr. S.D.N.Y. Aug. 8, 2019) (Dkt. 91). For one case involving seven Defendants, the Liquidators filed their adversarial complaint only after the prior pending S.D.N.Y. appeal was filed. These Defendants therefore do not have their own prior pending S.D.N.Y. appeal numbers.

	Case No. (Bankr. S.D.N.Y.)	Case Name	Prior Pending Consolidated Appeal No.²	Appellate Docket No.
10.	Adv. Pro. 10-4098	<i>Fairfield Sentry Ltd. (In Liquidation), et al. v. BNP Paribas Arbitrage SNC, et al.</i>	19-cv-4385	21-cv-3637
11.	Adv. Pro. 10-4099	<i>Fairfield Sentry Ltd. (In Liquidation), et al. v. BNP Paribas Private Bank and Trust Cayman Ltd., et al.</i>	19-cv-5006	21-cv-3653
12.	Adv. Pro. 11-1250	<i>Fairfield Sentry Ltd. (In Liquidation), et al. v. UBS Europe SE, Luxembourg Branch, et al.</i>	19-cv-4386	21-cv-3676
13.	Adv. Pro. 11-1463	<i>Fairfield Sentry Ltd. (In Liquidation), et al. v. Merrill Lynch International, et al.</i>	19-cv-4388	21-cv-3741
14.	Adv. Pro. 11-1579	<i>Fairfield Sentry Ltd. (In Liquidation), et al. v. BNP Paribas Securities Nominees Ltd., et al.</i>	19-cv-4973	21-cv-3751
15.	Adv. Pro. 11-1617	<i>Fairfield Sentry Ltd. (In Liquidation), et al. v. Fortis Bank SA/NV, et al.</i>	19-cv-4395	TBD
16.	Adv. Pro. 11-2770	<i>Fairfield Sentry Ltd. (In Liquidation), et al. v. Citigroup Global Markets Limited, et al.</i>	19-cv-4396	TBD
17.	Adv. Pro. 12-1551	<i>Fairfield Sentry Ltd. (In Liquidation), et al. v. BNP Paribas España f/k/a Fortis Bank (España), et al.</i>	19-cv-4415	21-cv-3502
18.	Adv. Pro. 19-1122	<i>Fairfield Sentry Ltd. (In Liquidation), et al. v. Citco Global Custody NV, et al. (In re Fairfield Sentry Ltd.)</i>	N/A	21-cv-3302